

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CR 12-699-MV

JOEL BRINGAS-JIMENEZ,
LUIS FIERRO-BUSTILLOS and
LUIS FIERRO, JR.,

Defendants.

Order and Notice of Trial

THIS MATTER is before the Court on the defendants' *Joint Unopposed Motion to Continue Trial Setting* [74]. The Court has weighed the representations made in the motion and finds granting a continuance to resolve these issues outweighs the public and defendants' interest in a speedy trial pursuant to 18 U.S.C. § 3161, specifically: Defense counsel requests additional time because defense counsel for defendants Fierro and Fierro-Bustillos have recently obtained an Order from this Court allowing them to meet face to face with each other to discuss plea decisions. It is anticipated that the plea decisions made by these defendants will significantly impact the decision made by co-defendant Bringas-Jimenez. All three attorneys for the co-defendants need additional time to attempt to see if this case can be resolved and negotiated without the necessity of a trial in this matter.

Conducting a trial in the face of these facts would be contrary to the interests of justice. *Zedner v. United States* 126 S. Ct. 1976 (2006). Now, therefore,

IT IS ORDERED that the trial of this action be and hereby is continued from February 25, 2013 to **Monday, May 20, 2013, at 9:00 a.m.**, in the United States Courthouse, 106

South Federal Place in Santa Fe, New Mexico, pursuant to 18 U.S.C. § 3161(h)(7)(A), with the following pretrial dates and deadlines. It is further ordered that the period of time from the entry of this Order until the new trial date shall be excluded from the time limitations set forth within 18 U.S.C. § 3161(c)(1) .

Event	Date/Deadline
Pre-Trial Motions	April 1, 2013
Joint Jury Instructions, Witness and Exhibit Lists, Voir Dire	May 6, 2013
Objections to Witness and Exhibit Lists, Objections to Voir Dire	May 10, 2013
Motions in Limine/Response/Reply	<p>April 29, 2013 / May 6, 2013 / May 10, 2013</p> <p>This deadline does not include <i>Daubert</i> or other motions, which shall be made prior to the dispositive motions deadline established at arraignment.</p> <p>Responses and replies to Motions in Limine filed 14 days or more before this deadline are due in accordance with the Federal and Local Rules of Criminal Procedure.</p>
Jury Selection/Trial	May 20, 2013, 9:00 a.m.

In an effort to conserve judicial resources, the Court must be advised of all plea agreements no later than ten (10) working days prior to trial. The plea must be entered at least five (5) days prior to the trial date.


 MARTHA VAZQUEZ
 UNITED STATES DISTRICT JUDGE

Linda Z. Romero, Courtroom Deputy - (505) 992-3826

Trial Preparation guidelines: <http://www.nmcourt.fed.us/web/DCDOCS/Judges/vazquez.html>